

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
Western Division**

Civ. Case No. 5:19-CV-27-D

L&M COMPANIES, INC,
and PALUMBO FOODS, LLC, et al.

Plaintiffs,

vs.

UNIQUE FOOD COMPANY, INC.,
LOUIS J. DEANGELIS, BEVERLY A.
DEANGELIS, LOUIS J. DEANGELIS, JR.,
GINA D. BISSETTE, and BISSETTE
BROTHERS, LLC,

Defendants.

ORDER ON JOINT MOTION TO DISBURSE PACA TRUST FUNDS

UPON CONSIDERATION of the Joint Motion to Disburse PACA Trust Funds filed by Plaintiffs/Intervenors L&M Companies, Inc., Palumbo Foods, LLC, R.S. Hanline & Co., Inc., Lipman-Texas, LLC, The Thomas Colace Company, Inc., Nickey Gregory Company, LLC, JH Honeycutt & Sons, Inc., C.H. Robinson Worldwide, Inc., General Produce, LLC., D&T Brokerage, Inc. Ford's Produce Company, and Patterson Repack, Inc. (collectively the "PACA Beneficiaries"); Defendants Unique Food Company, Inc. ("Unique"), Louis J. Deangelis, Beverly A. Deangelis, Louis J. Deangelis, Jr., Gina D. Bissette, and Bissette Brothers, LLC ("Bissette Bros.") (collectively "Defendants"); and Interested Party Doug Bissette (PACA Beneficiaries, Defendants, and Mr. Bissette are each a "Movant" and are together the "Movants") (the "Joint Motion"), for good cause shown, it is by the Court,

ORDERED, that the Joint Motion be and hereby is GRANTED; and it is further

ORDERED, that the PACA Beneficiaries are owed following principal amounts, and that these amounts are qualified and perfected trust claims under the Perishable Agricultural Commodities Act at 7 U.S.C. §499e(c)(2) (the “PACA Claims”):

PACA Beneficiary:	Principal Amount:
L&M Companies, Inc.	\$313,558.61
Palumbo Foods, LLC.	\$107,182.09
R.S. Hanline & Co., Inc.	\$17,182.20
Lipman-Texas, LLC	\$110,690.30
The Thomas Colace Company, Inc.	\$71,442.00
Nickey Gregory Company, LLC	\$134,936.95
JH Honeycutt & Sons, Inc.	\$60,227.35
C.H. Robinson Worldwide, Inc.	\$286,714.45
General Produce, LLC	\$24,140.15
D&T Brokerage, Inc.	\$22,516.10
Ford’s Produce Company	\$32,566.86
Patterson Repack, Inc.	\$140,432.40
TOTAL:	\$1,321,589.46

and it is further

ORDERED, that PACA trust assets held by Unique were used to purchase, pay the mortgage of, repair and maintain, and improve the Bissette Property, and Movants' stipulation that Property Proceeds constitute qualified PACA trust funds pursuant to the Perishable Agricultural Commodities Act at 7 U.S.C. §499e(c)(2) that are owed to the PACA Beneficiaries is hereby APPROVED; and it is further

ORDERED, that the injunctive relief granted in the Consent Injunction and PACA Claims Procedure Order [D.E. 63] is hereby modified such that Administrative Counsel, John Bircher, Esq. shall within seven (7) business days of the date of entry of this Order make the following distributions from the PACA Trust Account:

Payee	Settlement Funds
Parker, Poe, Adams & Bernstein, LLP, attorney trust account	\$251,039.00
Law Office of Robert E. Goldman, attorney trust account	\$252,368.90
McCarron & Diess, attorney trust account	\$152,365.02
Martyn & Associates, attorney trust account	\$137,798.96
Akerly Law PLLC, attorney trust account	\$9,981.18
Vann Attorneys, attorney trust account	\$100,657.93
TOTAL:	\$904,211.00

; and it is further

ORDERED, that Administrative Counsel shall recover his estimated final fees and costs of \$2,253.01 from the remaining balance of the funds in the PACA Trust Account; and it is further


ORDERED, that, to the extent funds remain in the PACA Trust Account after the disbursements set forth herein, or come into the PACA Trust Account after execution of this Agreement, such funds shall, after deduction of Administrative Counsel's reasonable fees and expenses, shall be disbursed to counsel for the PACA Beneficiaries for the benefit of the PACA Beneficiaries in the aggregate amounts of their pro rata shares, as follows:

Lead PACA Counsel	Aggregate Pro Rata Shares
Law Office of Robert E. Goldman, attorney trust account	33.14%
McCarron & Diess, attorney trust account	28.55%
Martyn & Associates, attorney trust account	23.52%
Akerly Law PLLC, attorney trust account	1.70%
Vann Attorneys, attorney trust account	13.09%

; and it is further

ORDERED, that the Court shall retain jurisdiction to enforce the terms set forth herein.

SO ORDERED. This 14 day of July 2020.


JAMES C. DEVER III
United States District Judge